IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Appeal Nos.1035 to 1037 of 2003
and
WAMP Nos.1282 to 1284 of 2003

1. The Secretary to Government,
Housing & Urban Development Department,
Fort St. George, Madras-9.

2. The Special Tahsildar
(Neighbourhood Scheme) and
Land Acquisition Officer,
Nagercoil, Kanyakumari District. ... Appellants in all WAs

vs.

M.Subramania Pillai ... Respt. in WA.1035/03

Kasithankam ... Respt. in WA.1036/03

P.Mahadevan ... Respt. in WA.1037/03

Appeal against the Common Order of the learned single Judge, dated 24.07.2002, made in W.P. Nos.21479, 21484 and 21566 of 1994.

These petition presented to this Court under Article 266 of the Constitution of India to issue a Writ of Certiorari, call for the records relating to the 4(1) Notification proceedings of the 1st Respondent in G.O.MS.No.1212 Housing and Urban Development Department dated 17.9.91 by issue of a Writ of Certiorari Direction in the nature of Writ and quash the same in so far as the same relates to the petitioner's land are concerned in WP.No.21479/94 and WP.No.21484 of 1994.

Call for the record for the record relating to proceedings of the 1st respondent in G.O.MS.No.1213 Housing and Urban Development Department dated 17.9.1991 and the 6 Declaration by G.O.MS.No.854 of 1992 dated 14.12.1992 by issue of Certiorari Direction in the nature of the quash the same in so far as the same relates to the petitioner's lands are concerned in WP.No.21566 of 1994.

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For Appellants : Mr.M.Dhandapani,
Addl. Govt. Pleader.
For Respondents : No Appearance.

J U D G M E N T

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above Writ Appeals have been filed against the Common Order of the learned single Judge, dated 24.07.2002, made in W.P. Nos.21479, 21484 and 21566 of 1994. The learned Judge, by the impugned order, after finding that the land acquisition proceedings were initiated without approval of the appropriate Government; and that the Newspapers, in which the publication in respect of Section-4(1) Notification and Section-6 Declaration was effected, were not having circulation in the locality where the land situates, quashed the acquisition proceedings and allowed the Writ Petitions.

2. It is not in dispute that the acquisition proceedings initiated by the very same Government Order, viz., G.O.Ms. No.1212, Housing and Urban Development Department, dated 17.09.1991, has been quashed by one of us (PSJ), by order dated 13.09.2001, in W.P. Nos.20310 and 20311 of 1994. It is also not in dispute that the said order has become final since the State has not preferred any Appeal. Apart from this, to-day, in W.A. No.541 of 2003, we quashed the Notification issued under the very same Government Order. In view of the reasons stated therein, we are in entire agreement with the conclusion arrived at by the learned Judge.

3. Consequently, the Appeals fail and the same are dismissed. No costs. Connected Miscellaneous Petitions are closed.

JI.

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1. The Secretary to Government
Housing and Urban Development
Fort Saint George, Madras.

2. The Special Tahsildar,
(Neighbourhood Scheme) and
Land Acquisition officer,
Nagarcoil, Kanyakumar District.

1 cc To The Government Pleader, SR.25133.

W.A. Nos.1035 to 1037/03
& connected W.A.M.Ps.

AK(CO)
RVL 23.06.2006

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